



OFFICE OF  
ADMINISTRATIVE SERVICES

# TREASURY DEPARTMENT

WASHINGTON, D.C. 20220

Administrative Circular No. 159  
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To Heads of Bureaus,

Treasury Department

SUBJECT: Classification of records and information subsequent to  
the Freedom of Information Act

As a consequence of the coming into effect of the Freedom of Information Act (Public Law 90-23, 5 U.S.C. 552), there has developed a misunderstanding concerning the classification of documents under Treasury Department Order No. 160, Revised, as amended. The purpose of this Circular is to advise on the continued use and effect of the classifications provided for in the Treasury Order in the light of the new public information law.

(1) Treasury Order No. 160, Revised, as amended, continues in full effect.

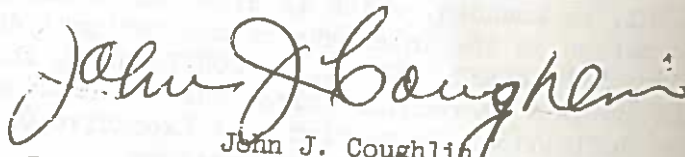
(2) Part I of the Treasury Order implements Executive Order 10501, as amended, which is directed to safeguarding official information in the interests of the national defense. The designations TOP SECRET, SECRET, or CONFIDENTIAL should not be carried on information or records unless the information or records fall within the definitions in section 1 of Executive Order 10501 or a statute expressly requires such designations.

(3) Part II of the Treasury Order provides authority for the administrative classification of certain non-defense information and records which require confidential handling and which are not subject to classification under Executive Order 10501. Under Part II the following designations may be used in classifying records and information: LIMITED OFFICIAL USE or OFFICIAL USE ONLY. Since the designation LIMITED OFFICIAL USE requires the handling and

transmittal of information or records so classified with security equivalent to "CONFIDENTIAL" in Part I of the Order, care should be taken to restrict the use of this designation.

(4) If a request is made under the Freedom of Information Act by a private person for records administratively classified LIMITED OFFICIAL USE or OFFICIAL USE ONLY, the classification should not be considered determinative as to whether or not the particular record requested falls within the exemptions in 5 U.S.C. 552(b). Therefore, on request for a record, a determination must be made pursuant to 31 CFR 1.4(b) (or under the appropriate regulations of the bureau concerned) whether the record should be made available under the Freedom of Information Act.

(5) If a request is made under the Freedom of Information Act for records classified under Part I of the Order as TOP SECRET, SECRET, or CONFIDENTIAL, the classification will be considered to be a determination that the records are exempt under 5 U.S.C. 552(b)(1). Normally the records would not be subject to disclosure and no further determination need be made by the bureau involved. However, if a bureau has adopted a regulation similar to the one adopted by the Office of the Secretary in 31 CFR 1.5(b), the bureau should determine whether in the particular case there is need to rely on the exemption. Prior to making such a record or part thereof available, the record or part thereof must be declassified in accordance with the Treasury Order.

  
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